

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054**

In the Matter of)	
)	
Public Safety and Homeland Security Bureau)	PS Docket No. 12-94
Seeks Comment on Transition Process for)	
700 MHz Public Safety Broadband)	
Waiver Recipients)	

**COMMENTS OF THE
PUBLIC SAFETY SPECTRUM TRUST CORPORATION**

The Public Safety Spectrum Trust Corporation (“PSST”) hereby submits these Comments in response to the April 6, 2012 *Public Notice* of the Public Safety and Homeland Security Bureau (“PSHSB”) in the above-referenced proceeding.¹ The *Public Notice* seeks comment on issues related to the obligations of the Federal Communications Commission (“Commission”) under the Spectrum Act² to “take all actions necessary to facilitate the transition” of the public safety broadband spectrum to the First Responder Network Authority (“FirstNet”).³ Specifically, it seeks comment on “the most expedient and cost-effective way” to transition the waiver authorizations granted to 21 public safety entities planning early deployment operations on the 700 MHz public safety broadband spectrum (“Waiver Recipients”).⁴

As discussed below, the PSST supports the Commission’s efforts to transition the authorizations of the existing Waiver Recipients consistent with the requirements of the Spectrum Act,

¹ *Public Safety and Homeland Security Bureau Seeks Comment on Transition Process for 700 MHz Public Safety Broadband Waiver Recipients*, PS Docket No. 12-94, Public Notice, DA 12-555 (rel. Apr. 6, 2012) (“*Public Notice*”).

² Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (2012) (“Spectrum Act”).

³ *Id.* § 6201(a).

⁴ *Public Notice* at 3.

including by extending the existing long-term *de facto* spectrum transfer leases beyond their current expiration or by granting Special Temporary Authorizations to allow FirstNet sufficient time to determine if it wishes to continue the leases or terminate them. The Commission should also ensure that it minimizes the financial impact of any transition plan on the Waiver Recipients and the PSST. Finally, the PSST encourages the Commission to continue allowing early deployment activities by the Waiver Recipients until the spectrum is transferred from the PSST to FirstNet because such activities could provide useful test data and other “lessons learned” for FirstNet and other parties in this critical effort to establish the first nationwide public safety wireless broadband network.

I. ABOUT THE PSST.

The PSST is a non-profit 501(c)(3) entity organized under the laws of the District of Columbia. The PSST has been selected by the Commission as the Public Safety Broadband Licensee for the nationwide 700 MHz public safety broadband spectrum.⁵ The PSST serves as the lessor for the 21 local, regional, and state Waiver Recipients. As such, it has a direct interest in the Commission’s plans to transition the Waiver Recipients and the public safety broadband spectrum under the Spectrum Act.

II. THE COMMISSION SHOULD BE PREPARED TO EXTEND THE WAIVER RECIPIENT LEASES OR GRANT SPECIAL TEMPORARY AUTHORIZATIONS.

The *Public Notice* seeks comment on actions the Commission should take to facilitate the transition of the Waiver Recipients to FirstNet, including whether to extend the Waiver Recipients’ spectrum leases with the PSST.⁶

⁵ The Board of Directors of the PSST consists of representatives of the following organizations: American Association of State Highway and Transportation Officials (AASHTO), American Hospital Association (AHA), Association of Public-Safety Communications Officials – International (APCO), Forestry Conservation Communications Association (FCCA), International Association of Chiefs of Police (IACP), International Association of Fire Chiefs (IAFC), International City/County Management Association (ICMA), International Municipal Signal Association (IMSA), National Association of State EMS Officials (NASEMSO), National Association of State 9-1-1 Administrators (NASNA), National Emergency Management Association (NEMA), National Emergency Number Association (NENA), National Fraternal Order of Police (NFOP), National Governors Association (NGA), and the National Sheriffs’ Association (NSA).

⁶ *Public Notice* at 3-4.

The Commission should consider extending the existing Waiver Recipient leases beyond their current expiration or granting Special Temporary Authorizations to allow FirstNet sufficient time to determine if it wishes to continue the leases or terminate them. As recognized in the *Public Notice*, the initial term for 20 of the 21 leases ends on September 1, 2012, soon after the August 20, 2012 deadline by which the FirstNet Board must be established pursuant to the Spectrum Act.⁷ It remains unclear how long FirstNet will need before it is ready to consider how it will approach the current leases and early builders' activities. The FirstNet Board, for example, will probably want to establish governance and operational procedures and hold meetings before considering the lease issues.

As some Waiver Recipients may not intend to seek an extension of their leases in light of the Spectrum Act, the Commission should be prepared to make such extensions or grant such Special Temporary Authorizations at the option of the Waiver Recipients. Likewise, the Commission can take measures to ensure that it does not prejudice how FirstNet may choose to address the leases.

III. THE COMMISSION SHOULD MINIMIZE THE FINANCIAL IMPACT OF THE TRANSITION ON THE WAIVER RECIPIENTS AND THE PSST.

The Commission seeks comment on the cost impact of various transition approaches.⁸ The PSST's administrative budget for the second year of the Waiver Recipient leases did not contemplate the enactment of the Spectrum Act or incorporate expenses for lease extensions, or for the assignment of the leases to FirstNet. Such activities could create significant legal and administrative expenses for the Waiver Recipients and the PSST, depending on the particular transition plan adopted for the Waiver Recipients. Therefore, the PSST requests that the Commission seek to minimize any financial and administrative burden incurred by the Waiver Recipients and the PSST as part of the transition of the public safety broadband spectrum to FirstNet.

⁷ See *id.* at 4; see also Spectrum Act § 6204(e). The initial term of the PSST's lease with the State of Texas ends June 17, 2013.

⁸ *Public Notice* at 4.

In addition, even if the spectrum is transferred prior to the end of the second year of the Waiver Recipient leases, the PSST anticipates that it will need the full amount of second year administrative fees to address and implement the many transition issues related to the Waiver Recipients (including the leases). Therefore, the Commission should not require the PSST to undertake the difficult and time-consuming process of reimbursing the lessees for any portion of the administrative fees.

IV. THE COMMISSION SHOULD CONTINUE TO ALLOW “TEST-BED” DEPLOYMENT EFFORTS BY THE WAIVER RECIPIENTS.

The *Public Notice* also seeks comment on whether to halt early deployment by the Waiver Recipients.⁹ The PSST encourages the Commission to allow the Waiver Recipients to continue their “test-bed” early deployment efforts consistent with the Commission’s existing interoperability requirements and the eventual transition of the public safety broadband spectrum to FirstNet. The Waiver Recipients have invested a significant amount of time and resources in pursuing early deployment on the public safety broadband spectrum over the past two years. These ongoing deployment efforts could provide a significant amount of useful data and other “lessons learned” for FirstNet, the Public Safety Communications Research program, and other parties. Moreover, it could be years before FirstNet will be ready to begin deployment of the nationwide public safety broadband network. During this time, Waiver Recipient deployments could contribute valuable real-world experience to assist in the development of the eventual nationwide network. Halting all deployment efforts, on the other hand, is unnecessary and could put some state, local, and BTOP funding at risk. The PSST also notes that Waiver Recipients engaging in early deployment efforts are doing so with the understanding that their deployments are subject to compliance with the Commission’s current and future interoperability requirements, as well as other requirements and conditions. Thus, such deployment efforts (and any associated expenses) are being made at the Waiver Recipients’ sole

⁹ *Id.* at 3.

risk. As mentioned above, however, the Commission should ensure that it does not prejudge how FirstNet may choose to address the Waiver Recipients when FirstNet receives the public safety broadband spectrum.

V. CONCLUSION

The PSST supports the Commission's efforts to transition the existing Waiver Recipients' operations to FirstNet. It should also minimize the financial impact of any transition plan on the Waiver Recipients and the PSST. Finally, the Commission should continue allowing the Waiver Recipients to engage in "test-bed" early deployment efforts.

Respectfully submitted,



Chief Harlin R. McEwen
Chairman
Public Safety Spectrum Trust Corporation
3221 M Street, NW
Washington, DC 20007
607-227-1664
chiefhrm@pubsaf.com

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